

IN THE CLAIMS:

Please cancel Claims 1-36, 39 and 50-52 without prejudice or disclaimer of the subject matter recited therein.

Please amend Claims 37, 38, 40-42 and 45-49 as follows.

1 - 36. (Cancelled)

37. (Currently Amended) A recording apparatus for recording an image on a recording medium based on image data supplied from an image supply device, comprising:

a reception ~~means for receiving~~ unit that receives a layout condition from the image supply device, wherein the layout condition specifies a layout ~~[[of]]~~ for recording a plurality of items of image data on a recording medium, which are supplied from the image supply device;

a determination unit that determines whether or not a plurality of items of image data supplied from the image supply device includes a predetermined format of image data; and

a control ~~means for controlling~~ unit that controls the recording apparatus to record ~~[[a]]~~ the plurality of items of image data supplied from the image supply device ~~by overlapping or not overlapping in accordance with the layout condition, based on formats of the items of image data~~ without overlapping with another image data in accordance with the layout condition in a case that the determination unit determines that the plurality of items of image data do not include the predetermined format of image data, and controls the

recording apparatus to record the plurality of items of image data supplied from the image supply device by overlapping with another image data in accordance with the layout condition in a case that the determination unit determines that the plurality of items of image data include the predetermined format of image data.

38. (Currently Amended) An apparatus according to claim 37, wherein ~~said control means controls to record an image whose format~~ the predetermined format of image data designates an image to be seen through, ~~by overlapping~~ with another image.

39. (Cancelled)

40. (Currently Amended) An apparatus according to claim 37, wherein ~~any one of the formats includes JPEG or~~ the predetermined format of image data other than JPEG.

41. (Currently Amended) A recording apparatus for recording an image on a recording medium based on image data supplied from an image supply device, comprising:

a reception ~~means for receiving~~ unit that receives a layout command for specifying a layout of recording a plurality of images on a recording medium and designation data for designating a plurality of images to be recorded, from the image supply device;

a determination unit that determines whether or not the plurality of images designated by the designation data have a predetermined format; and

a control means for controlling unit that controls the recording apparatus to record a specific an image [[by]] without overlapping with another image, in a case where images designated by the designation data include the specific image in accordance with the layout command, in a case that the determination unit determines that the plurality of images do not have the predetermined format, and controls the recording apparatus to record a specific image having the predetermined format by overlapping with another image in accordance with the layout command in a case that the determination unit determines that the plurality of images have the predetermined format.

42. (Currently Amended) An apparatus according to claim 41, wherein the specific image is an image to be seen through another image.

43. (Previously Presented) An apparatus according to claim 41, wherein the specific image has a predetermined format of image other than JPEG.

44. (Previously Presented) An apparatus according to claim 41, wherein the specific image has a predetermined file name or arranged in a predetermined folder.

45. (Currently Amended) An apparatus according to claim 41, further comprising a set means for setting unit that sets an order of overlapping images in accordance with an order of designation of images among the images designated by the designation data.

46. (Currently Amended) A recording method of recording an image on a recording medium based on image data supplied from an image supply device, comprising the steps of:

receiving a layout condition from the image supply device, wherein the layout condition specifies a layout of recording a plurality of items of image data on a recording medium, which are supplied from the image supply device;

determining whether or not the plurality of items of image data supplied from the image supply device include a predetermined format of image data; and

recording the ~~controlling to record~~ a plurality of items of image data supplied from the image supply device ~~by overlapping or not overlapping in accordance with the layout condition, based on formats of the items of image data~~ without overlapping with another image data in accordance with the layout condition in a case that it is determined in the determining step that the plurality of items of image data do not include the predetermined format of image data, and recording the plurality of items of image data supplied from the image supply device by overlapping with another image data in accordance with the layout condition in a case that it is determined in the determining step that the plurality of items of image data include the predetermined format of image data.

47. (Currently Amended) A recording method of recording an image on a recording medium based on image data supplied from an image supply device, comprising the steps of:

receiving a layout command for specifying a layout of recording a plurality of images on a recording medium and designation data for designating a plurality of images to be recorded, from the image supply device; and

recording an ~~controlling to record a specific image by overlapping with another image, in a case where images designated by the designation data include the specific image without overlapping with another image in accordance with the layout command, in a case that it is determined in the determining step that the plurality of images do not have the predetermined format, and recording a specific image having the predetermined format by overlapping with another image in accordance with the layout command in a case that it is determined in the determining step that the plurality of images have the predetermined format.~~

48. (Currently Amended) A computer readable recording medium characterized by storing a program ~~of implementing~~ for causing a computer to execute a recording method according to claim 46.

49. (Currently Amended) A computer readable recording medium characterized by storing a program ~~of implementing~~ for causing a computer to execute a recording method according to claim 47.

50-52. (Cancelled)